

Members

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Sen. Timothy Lanane
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Rep. Kathy Richardson
Rep. Matt Pierce
Rep. Ed DeLaney
Chief Justice Brent Dickson
Judge Tom Felts
Commissioner Therese Brown
Michael Kruk
Christa Coffey



COMMISSION ON COURTS

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MEETING MINUTES¹

Meeting Date: October 26, 2012
Meeting Time: 3:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Brent Steele, Chairperson; Rep. Greg Steuerwald, Vice-Chairperson; Rep. Matt Pierce; Rep. Ed DeLaney; Chief Justice Brent Dickson; Judge Tom Felts; Commissioner Therese Brown; Christa Coffey.

Members Absent: Sen. Randall Head; Sen. Lonnie Randolph; Sen. Timothy Lanane; Rep. Kathy Richardson; Michael Kruk.

Sen. Brent Steele, Chairperson of the Commission on Courts (Commission), called the meeting to order at 3:05 PM.

Sen. Steele stated the Commission would first consider the Hamilton County and Hendricks County magistrate requests made at the first Commission meeting.

A motion was made and seconded that legislation be enacted to allow the Hamilton Superior Court judges to jointly appoint one new magistrate. The motion was approved 8-0 by show of hands.

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

A motion was made and seconded that legislation be enacted to allow the Hendricks Superior Court judges to jointly appoint two new magistrates. The motion was approved 8-0 by show of hands.

Sen. Steele then stated the Commission would consider a request from Owen County to add one new judge.

The first person to testify was Richard Lorenz, Owen County Attorney. Mr. Lorenz stated Owen County currently had only one court and one judge. He said a line forms outside the Owen County Courthouse every morning and the judge has to work all day, including through the lunch hour, just to keep up with the caseload.

Mr. Lorenz continued by stating the five counties surrounding Owen County currently had at least two judges even though the population of Owen County was only slightly less than many of these counties. He said this situation created a "donut hole of judicial resources" in the area.

Mr. Lorenz stated having only one judge in the county caused issues concerning the need to have a judicial officer available twenty-four hours a day to do such things as issue warrants on a timely basis. He also said having only one judge could lead to "speedy trial" problems and conflict of interest concerns.

Mr. Lorenz said the Owen County Commission and Council seem ready to provide resources for a new court. He concluded by stating Owen County had needed a second judge for a long time.

The next person to testify was John Fuhs, attorney from Spencer, Indiana. Mr. Fuhs stated Owen Circuit Court Judge Frank Nardi was not able to attend the Commission meeting but was in support of adding a second judge in Owen County.

Mr. Fuhs continued by stating he felt the Division of State Court Administration Weighted Caseload Report did not accurately reflect the need for judicial officers in Owen County. He said the Report included the work of one Owen County referee. However, he stated this referee did not even have the same powers as a magistrate. Mr. Fuhs also stated several "reconditioning" projects were underway in the Owen County Courthouse.

After a brief Commission discussion, a motion was made and seconded that legislation be enacted to add a second judge in Owen County as part of a unified circuit court with two judges beginning January 1, 2015. The motion was approved 8-0 by show of hands.

Sen. Steele then stated the Commission would consider issues concerning Marion County Courts.

The next person to testify was Judge David Certo of the Marion Superior Court. Judge Certo stated Marion County currently had eight different types of judicial officers. He said the goal was to "regularize and professionalize" Marion County judicial officers by reducing the types of judicial officers to four and providing more training for these officers.

Judge Certo also discussed an idea to increase revenue to pay for salary increases for commissioners involved in the Marion County guardian ad litem program by establishing a \$35 fee to be paid by persons who receive traffic tickets and subsequently participate in a diversion program.

Judge Certo concluded by stating that improvements had been made to the Marion County

Traffic Court that address recent concerns raised by members of the General Assembly. He said the Court had moved to a more adequate facility on the east side of Indianapolis and changes had been made to technology used by the Court to improve public access. He also stated the Traffic Court would have a new judge beginning in 2013.

Sen. Steele then said the Commission would consider preliminary survey results concerning the administrative adjudication system in Indiana.

The next person to testify was Karen Firestone, Fiscal Analyst from the Office of Fiscal and Management Analysis of the Legislative Services Agency. Ms. Firestone distributed copies of the October 2012 version of the Administrative Law Survey to members of the Commission.

(A PDF version of the Administrative Law Survey may be found on the Commission website at <http://www.in.gov/legislative/interim/committee/crts.html>)

Ms. Firestone stated that some of the entities that received the survey had yet to respond. She noted that, of the entities that answered and provided cost information, the total annual state expenditure for administrative hearing processes for the responding entities is about \$6.4 million. She said about 83,000 cases are filed each year and approximately 76,500 are assigned to an Administrative Law Judge (ALJ) or hearing officer.

Ms. Firestone also stated that the preliminary survey results indicated that while not all ALJs are attorneys, a "good portion" were attorneys. She also said many of the ALJs were employed by the agency that appointed them and others were under contract with the agency.

After a brief Commission discussion, Sen. Steele stated it was obvious the Commission would need more time to review the survey and consider any proposed changes to be made to the administrative adjudication system in Indiana. A motion was made and seconded that the Commission continue its study of the administrative adjudication system in Indiana during the 2013 interim. The motion was approved 8-0 by voice vote.

Sen. Steele then said the Commission needed to adopt a Final Report. After a brief Commission discussion, a motion was made and seconded that the Commission approve the preparation of a Final Report for 2012 that contains a summary of the Commission's 2012 work program and a list of recommendations made by the Commission, subject to distribution to and review by the Commission members. The motion was approved 8-0 by voice vote.

Sen. Steele adjourned the meeting at 4:10 PM.